

DRAFT INTERIM STUDY RESOLUTION ON MONTANA LAND USE LAWS

WHEREAS, the 2007 legislative session has generated numerous land use bills attempting to address recent controversies such as interim zoning, zoning protests, waterway protection, remainders, subdivision review time lines, burden of proof for subdivision impact, water and sanitation issues;

WHEREAS, land use law is complicated and interrelated involving multiple statutes on subdivisions, zoning, water, sanitation, transportation, and more;

WHEREAS, Montana's land use laws need to be updated to address the growing pains and needs of local governments, citizens, and the development community in parts of Montana;

WHEREAS, piecemeal changes to land use law have created frustrating implementation for local governing bodies, citizens, and the development community;

WHEREAS, changing one part of land use law may affect other areas of the law with unforeseen unintended consequences;

WHEREAS, current land use planning laws may discourage new building growth near existing infrastructure and encourage the unintentional loss of agricultural lands, open space, and fish and wildlife habitat.

WHEREAS, the slow down in the market, and in new subdivision applications allows the opportunity to examine development permitting processes and allow local governing bodies, citizens, and the development time to find common ground to improve Montana's land use laws;

WHEREAS, the current slowdown in the housing market and fewer new subdivision applications provide an opportunity to rationally examine the development permitting processes and to allow local governing bodies, citizens and the development community time to find common round to improve Montana's land use laws;

WHEREAS, the use of property involves impacts on adjoining property and its owners and that balances of interests must be addressed, even when the uses could be compatible and that private use of land can generate inequitable public expenses, for example fighting fires to save private structures built in the wildland urban interface.

NON THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate the Local Government interim committee, pursuant to section 5-5-217, MCA or direct sufficient staff

resources to examine potential revisions to Montana land use law, including changes to statute to better interface and update Montana's land use laws in a way that:

- (a) Connects the dots between subdivisions, zoning, water, sanitation, transportation, and building codes and examines opportunities for better coordination and collaboration between statutes and entities implementing these statutes;
- (b) Directs new growth near existing infrastructure including water, sewer, roads, and local services;
- (c) Conserves agricultural lands, open space, fish and wildlife habitat and examines incentives that reward development design that provides for conservation of land and water;
- (d) Addresses recent controversies such as interim zoning, zoning protests, waterway protection, remainders, subdivision review time lines, burden of proof for subdivision impact, and water and sanitation issues;
- (e) Helps balance the impacts and rights of otherwise incompatible uses like gravel pits and homes; and
- (f) Examines best land use practices from other Western states.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 62<sup>nd</sup> Legislature.